

Recording Telephone Conversations

Since September 11, 2001, the Federal Communications Commission (FCC) has received an increasing number of inquiries about recording wireline telephone conversations and wiretapping. Currently, the FCC does not have any rules that prohibit consumers from recording wireline telephone conversations. The FCC does have some rules regarding the manner in which telephone companies may record wireline telephone conversations.

FCC's Rules Regarding Telephone Companies Recording Interstate or International Wireline Telephone Conversations

The FCC protects the privacy of telephone conversations by requiring notification before a recording device is used to record interstate (between different states) or international wireline calls. Interstate or international wireline conversations may not be recorded unless the use of the recording device is:

- preceded by verbal or written consent of all parties to the telephone conversation; or
- preceded by verbal notification which is recorded at the beginning, and as part of the call, by the recording party; or
- accompanied by an automatic tone warning device, sometimes called a "beep tone," which automatically produces a distinct signal that is repeated at regular intervals during the course of the telephone conversation when the recording device is in use.

Also, a recording device can only be used if it can be physically connected to and disconnected from the telephone line or if it can be switched on and off.

Recording Intrastate Wireline Conversations

Questions or complaints about recording intrastate (within the same state) wireline conversations should be addressed to your state public utility commission. Your public utility commission should be able to tell you whether recording is illegal in your state and who regulates recording intrastate wireline conversations within your state. You can either contact your local or state consumer office for the telephone number and address of your state public utility commission, or you can find it in the blue pages (the "State Government" section) of your phone book.

Wiretapping – Wireline Phones

Wiretapping is regulated by both the state and federal governments and may be punished by criminal sanctions. For information concerning your state wiretapping laws, contact



your state Attorney General's office. For information concerning federal wiretapping laws, contact the Federal Bureau of Investigation at:

Federal Bureau of Investigation
J. Edgar Hoover Building
935 Pennsylvania Avenue, NW
Washington, DC 20535-0001
(202) 324-3000

You may also visit the FBI's Web site at www.fbi.gov.

The FCC does not regulate or have rules relating to wiretapping. For more information on the Interception and Divulgence of Radio Communications, see the separate FCC fact sheet on that topic.

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To receive information on this and other FCC consumer topics through the Commission's electronic subscriber service, click on www.fcc.gov/cgb/emailservice.html.

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